



**Decision with Statement of Reasons of the First-tier Tribunal for Scotland
(Housing and Property Chamber) under Section 16 of the Housing (Scotland)
Act 2014**

Chamber Ref: FTS/HPC/CV/19/3027

Re: Property at 21 Scotstoun Road, Cowie, Stirling, FK7 7AL (“the Property”)

Parties:

**Your Home Partners, Ground Floor Suite, PO Box 15496, Broxburn, EH52 6WU
 (“the Applicant”)**

**Ms Vicky Power, 21 Scotstoun Road, Cowie, Stirling, FK7 7AL (“the
 Respondent”)**

Tribunal Members:

George Clark (Legal Member)

Decision (in absence of the Respondent)

**The First-tier Tribunal for Scotland (Housing and Property Chamber) (“the
 Tribunal”) determined that an amendment to the application should be
 accepted and the application, as amended, should be determined without a
 Hearing and made an Order for Payment by the Respondent to the Applicant of
 the sum of £10,653.69. The Applicant’s request for payment of recovery costs
 was refused.**

Background

By application, received by the Tribunal on 26 September 2019, the Applicant sought an Order for Payment against the Respondent. The sums sought were £9,453.69 in respect of unpaid rent that had become lawfully due and £300 plus VAT in respect of recovery costs.

The application was accompanied by a copy of a Private Residential Tenancy Agreement between the Parties commencing on 8 May 2018 at a rent of £600 per month and a rent statement showing arrears as at September 2019 of £9,453.69.

On 23 October 2019, the Tribunal advised the Parties of the date, time and venue for a Case Management Discussion and the Respondent was invited to make written representations by 13 November 2019. The Respondent did not make any written representations to the Tribunal.

Case Management Discussion

A Case Management Discussion was held at Wallace House, Maxwell Place, Stirling on the afternoon of 25 November 2019. The Applicant was represented by Mr Mark Harrison of Flexlaw, solicitors, Edinburgh. The Respondent was not present or represented. Mr Harrison orally sought permission of the Tribunal to accept an amendment to the application in terms of Rule 13 of the First-tier Tribunal for Scotland Housing and Property Chamber (Procedure) Regulations 2017 ("the 2017 Regulations") to increase the amount sought by way of arrears of rent to £10,653.69 and asked the Tribunal to make an Order for Payment without a Hearing.

Reasons for Decision

Rule 17 of the 2017 Regulations provides that the Tribunal may do anything at a Case Management Discussion which it may do at a Hearing, including making a Decision. The Tribunal was satisfied that it had before it all the information and documentation it required and that it would determine the application without a Hearing.

The Tribunal agreed to accept the amendment sought by the Applicant's representative, who had lodged an updated rent statement showing arrears as at 24 November 2019 of £10,653.69.

The Tribunal was satisfied that the amount sought in respect of unpaid rent was lawfully due by the Respondent to the Applicant.

The Applicant had also requested an Order for £300 plus VAT in respect of recovery costs. The view of the Tribunal was that this was, in effect, a request for an award of expenses. Rule 40 of the 2017 Regulations states that the Tribunal may award expenses against a Party but only where that Party through unreasonable behaviour in the conduct of a case has put the other Party to unnecessary or unreasonable expense. The fact that the Respondent had not made written representations and was not present or represented at the Case Management Discussion did not amount to unreasonable behaviour in the conduct of the case and the Tribunal refused the application insofar as it related to recovery costs.

Right of Appeal

In terms of Section 46 of the Tribunal (Scotland) Act 2014, a party aggrieved by the decision of the Tribunal may appeal to the Upper Tribunal for Scotland on a point of law only. Before an appeal can be made to the Upper Tribunal, the party must first seek permission to appeal from the First-tier Tribunal. That party must seek permission to appeal within 30 days of the date the decision was sent to them.

George Clark

Legal Member/Chair

25 November 2019

Date